

REMARKS

Claims 1-40 are all the claims pending in the application.

Statement of Substance of Interview

As an initial matter, Applicants thank the Examiner for the courtesies extended during the interview conducted on October 11, 2007. During the interview, the Applicants' representative pointed out to the Examiner that the Izmailov reference (relied upon to reject independent claims 1 and 20) does not disclose all the features of the independent claims. The points discussed during the interview are submitted below under the 'Claim Rejections - 35 U.S.C. § 102' section. The Examiner agreed with the Applicants' representative that Izmailov does not disclose all the features of the independent claims.

Applicants respectfully submit that the arguments presented below place the application in immediate condition for allowance, as discussed in further detail below with respect to the prior art rejection of the claims and as preliminarily agreed to by the Examiner subject to further consideration and/or search.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

Claim Rejections - 35 U.S.C. § 102

Claims 1-4, 8, 9, 12, 13, 17-23, 27, 28, 31, 32, 36-40 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2003/0058797 to Izmailov *et al.* ("Izmailov). For *at least* the following reasons, Applicants respectfully traverse the rejection.

Claims 1-4, 8, 9, 12, 13, 17-19, 39, and 40

Applicants respectfully submit claim 1 is patentable over the references. For example, claim 1 recites a method of determining data routing paths in a communication network, the method comprising, *inter alia*, calculating possible paths between a departure node and an arrival node, allowing for at least two chosen criteria, and then deducing an ideal solution from performances of said possible paths based on said criteria, and assigning each possible path a value of interest allowing for said ideal solution. In the last Office Action (dated March 21, 2007), the Examiner alleged that in Izmailov, paragraphs [0039] and [0055], along with Table 1, disclose assigning each possible path a value of interest.

Applicants, in the previous Amendment filed on June 21, 2007, mentioned that Izmailov does not disclose these features. In particular, Applicants pointed out that in reference to FIG. 5, Izmailov states that in the initial step of its method, a class having a highest priority that has not yet been selected is selected, for which an optimal path will be calculated (Izmailov, page 5, paragraph [0060], lines 6-9). Here, as the Examiner acknowledged in the last Office Action, the priority is based on the *performance bounds field* of Table 1 (Izmailov, page 4). Since the *performance bounds field* is accounted for in order to select a class prior to any calculation of a path, Applicants submitted that the performance bounds field may not be construed as “a value of interest” assigned to each calculated possible path as set forth in claim 1.

In response to the Applicants arguments, the Examiner in the current Office Action contends that Izmailov does disclose the above-noted feature of claim 1. Specifically, the Examiner contends that Izmailov “shows that given a graph G, there are two possible paths selected, one is the ideal shortest path, and the other is the available shortest path. The available shortest path is the shortest path in the presence of bandwidth reservations (r) of other triplets.

The bandwidth reservation variable r can be interpreted as the assigned value of interest” (Office Action, page 2, emphasis added). The Examiner cites paragraphs [0058] and [0059] of Izmailov as an example.

As an initial matter, Applicants respectfully submit that in the last Office Action, the Examiner did not allege that the bandwidth reservation variable r in Izmailov is being interpreted as the claimed value of interest. As discussed above, the Examiner alleged in the last Office Action that the contents of the “Performance Bounds” column in TABLE 1 of Izmailov disclosed the claimed value of interest. As such, it appears that the Examiner was, in fact, persuaded by the Applicants’ arguments submitted in the previous Amendment.

In any case, the bandwidth reservation variable r also does not disclose or suggest a “value of interest” as set forth in claim 1. For instance, claim 1 recites assigning each possible path a value of interest allowing for said ideal solution. The ideal solution was deduced from performances of said possible paths. The possible paths were calculated (between a departure node and an arrival node) allowing for at least two chosen criteria.

That is, the ideal solution is deduced prior to assigning each possible path a value of interest. On the other hand, in Izmailov, each triplet $T(i)$ includes the bandwidth reservation variable r prior to the calculating of the ideal shortest path $SPI(i)$ ¹. For instance, Izmailov discloses that the triplet $T(i)$ is defined as $T(i)=(r_i, s_i, d_i)$, where s_i and d_i are the starting and ending points of the path, and r_i is the bandwidth reservation variable for the subject triplet

¹ Applicants assume that it is the Examiner’s position that the $SPI(i)$ corresponds to the claimed ideal solution of said possible paths.

(Izmailov, paragraphs [0058] and [0060]). As shown in FIG. 5, a quadruplet $T(i)^2$ is selected in operation S15, and the ideal shortest path $SPI(i)$ is subsequently calculated in operation S16. Therefore, the bandwidth variable r of a triplet/quadruplet $T(i)$ may not be construed as a value of interest allowing for an ideal solution, since the variable r is already included as part of the quadruplet $T(i)$ prior to any calculation of the ideal shortest path $T(i)$. There is no disclosure in Izmailov of a value of interest allowing for an ideal solution, much less assigning such a value of interest to each possible path.

In view of the above, Applicants respectfully submit claim 1 is patentable over Izmailov and request the Examiner to withdraw the 35 U.S.C. 102(e) rejection.

Since claims 2-4, 8, 9, 12, 13, 17-19, 39, and 40 depend on claim 1, Applicants respectfully submit claims 2-4, 8, 9, 12, 13, 17-19, 39, and 40 are patentable *at least* by virtue of their dependency.

Claims 20-23, 27, 28, 31, 32, and 36-38

Claim 20 recites a device for determining data routing paths in a communication network, wherein the device includes processing means, the processing means comprising, *inter alia*, a calculation module which, for said nodes of said portion, calculates possible paths between a departure node and an arrival node, allowing for at least two chosen criteria, and then deduces an ideal solution from performances of said possible paths based on said criteria, and an assignment module which assigns each possible path a value of interest allowing for said ideal solution.

² The quadruplet $T(i)$ is an expanded version of the triplet $T(i)$ to incorporate a backtracking method (Izmailov, paragraph [0056]).

Therefore, Applicants respectfully submit that claim 20 is patentable for *at least* reasons similar to those given above with respect to claim 1.

Since claims 21-23, 27, 28, 31, 32, and 36-38 depend on claim 1, Applicants respectfully submit claims 21-23, 27, 28, 31, 32, and 36-38 are patentable *at least* by virtue of their dependency.

Claim Rejections –35 U.S.C. 103

Claims 5-6 and 24-25

Claims 5-6 and 24-25 rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Izmailov in view of U.S. Patent No. 7,023,806 to Gunluk. For *at least* the following reasons, Applicants respectfully traverse the rejection.

Claims 5-6, and 24-25 depend on claims 1 and 20, respectively, and since Gunluk does not cure the deficient teachings of Izmailov with respect to claims 1 and 20, Applicants respectfully submit claims 5, 6, 24, and 25 are patentable *at least* by virtue of their dependency.

Claims 7 and 26

Claims 7 and 26 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Izmailov in view of U.S. Patent No. 6,646,989 to Khotimsky *et al* (“Khotimsky”). For *at least* the following reasons, Applicants respectfully traverse the rejection.

Claims 7 and 26 depend on claims 1 and 20, respectively, and since Khotimsky does not cure the deficient teachings of Izmailov with respect to claims 1 and 20, Applicants respectfully submit claims 7 and 26 are patentable *at least* by virtue of their dependency.

Claims 14-16 and 33-35

Claims 14-16 and 33-35 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Izmailov in view of U.S. Patent No. 6,034,946 to Roginsky *et al* ("Roginsky"). For *at least* the following reasons, Applicants respectfully traverse the rejection.


Claims 14-16 and 33-35 depend on claims 1 and 20, respectively, and since Roginsky does not cure the deficient teachings of Izmailov with respect to claims 1 and 20, Applicants respectfully submit claims 14-16 and 33-35 are patentable *at least* by virtue of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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